

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

PROGRESSIVE DIRECT INSURANCE	}	
COMPANY,	}	
	}	
Plaintiff,	}	CIVIL ACTION NO.
	}	08-AR-1461-S
v.	}	
	}	
ADRIAN HALL, et al.,	}	
	}	
Defendants.	}	


MEMORANDUM OPINION AND ORDER

Upon further consideration of the motion of plaintiff, Progressive Direct Insurance Company, filed on January 29, 2009, seeking limited relief from judgment, to the extent the said motion was not ruled upon in the order entered on February 6, 2009, and with the understanding that the *guardian ad litem* waives any and all claim for the time he has spent in resisting plaintiff's motion, the court finds that the *guardian ad litem's* application for *guardian ad litem* fees, as reduced to \$150.00 per hour by concession filed on February 3, 2009, is reasonable as to the point of the lawyer-hours spent and as to the point of the hourly rate requested, both of which claims are supported by credible affidavits. The court believes that plaintiff's counter-affidavits, suggesting a reasonable hourly rate of \$125.00 for attorneys who represent insurance companies, are also credible, but this *guardian ad litem* was not representing an insurance company. On January 9, 2009, in *Benson v. Continental Casualty Co.*, ___ F.

Supp. 2d ___, 2009 WL 56901 (C.D. Calif.), a judge awarded \$400.00 per hour to an associate and \$150.00 per hour to a paralegal against an insurance company. This *guardian ad litem's* application, as amended, is therefore GRANTED.

In accordance with the foregoing, plaintiff shall pay to Joshua Thompson, as part of the court costs previously taxed, the sum of \$5,550.34, upon receipt of which Mr. Thompson shall note its receipt on the records of the court.

DONE this 12th day of February, 2009.


WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE